

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
DANVILLE DIVISION

EAST TENNESSEE NATURAL GAS CO., )

Plaintiff, )

v. )

VARIOUS TRACTS OF LAND, ET AL., )

Defendants. )

CIVIL ACTION NUMBERS:

4:02-CV-00125, 4:02-CV-00126,

4:02-CV-00128, 4:02-CV-00129,

4:02-CV-00132, 4:02-CV-00133;

4:02-CV-00134; 4:02-CV-00135;

4:02-CV-00185; 4:02-CV-00197;

4:02-CV-00198; 4:02-CV-00202;

4:02-CV-00203; 4:02-CV-00208;

4:02-CV-00211; 4:02-CV-00216;

4:02-CV-00218; 4:02-CV-00221

**ORDER**

By: Jackson L. Kiser

United States District Court

On October 6, 2003 the Defendants in each of the above-styled cases filed a *Motion to Supplement Witness List*. A *Pretrial Order* was entered by this Court in each of the above-styled cases. Paragraph five of the *Pretrial Order* states:

It shall be the obligation of the moving party to bring the motion on for hearing by notice. If by mutual agreement of the parties a hearing is not required, it shall be the obligation of the moving party to notify the Court that the motion is submitted on briefs. **ANY MOTION WHICH IS NOT BROUGHT ON FOR HEARING OR SUBMITTED ON BRIEFS WITHIN 90 DAYS FROM THE DATE IT IS FILED WILL BE DISMISSED AND THE COURT WILL NOT ENTERTAIN A RENEWED MOTION OF THE SAME ISSUE(S) EXCEPT FOR GOOD CAUSE. . .**

The Defendants in the above-styled cases have failed to comply with the plain language of the *Pretrial Order* by failing to either notice hearings for their *Motions* or notify the Court that the parties agreed to submit their *Motions* on the briefs within ninety days of filing their *Motions*. Additionally, the Defendants have not attempted to show good cause for their non-compliance

with the *Pretrial Order*. Accordingly, I hereby **dismiss** the Defendants' *Motion to Supplement Witness List* in each of the above-styled cases.

The Clerk is directed to send certified copies of this *Order* to Magistrate Judge Urbanski and to all counsel of record in the above-styled cases.

Entered this 31<sup>st</sup> day of March, 2006.

s/Jackson L. Kiser  
Senior United States District Judge